



MEMORANDUM

To: PLANNING COMMISSION

Date: January 23, 2007

From: COMMUNITY DEVELOPMENT DEPARTMENT

Subject: Zoning Amendment ZAA 04-01 /Development Agreement Amendment, DA 04-01: Tilton-Glenrock.

REQUEST

A request to amend the precise development plan and development agreement, defining phases 7-10 of the Capriano subdivision located on the west side of Hale Ave., south of Tilton Ave.

RECOMMENDATION

Application, ZAA 04-01: Adopt resolution: Recommending Council approval.

Application, DAA 04-08: Adopt resolution: Recommending Council approval.

Processing Deadline: April 13, 2007

BACKGROUND

In June 2005, the City Council approved Ordinance 1724 approving an amended precise development for the Capriano development (copy of Ord. 1724 is attached.) The following are the conditions of that approval:

1. The Architectural Review Board shall review and approve of a "new plan 4" which is of similar size 4050-4560 sq. ft. and quality prior to the approval of any final map approvals associated with the project.
2. Each phase of the project shall equal the number of allocations granted per fiscal year. The only exception shall be Phase 8 which shall contain 20 residential lots for the 20 FY 2006-07 allocations and include the creation of lot 33 as a non residential lot.

3. The project shall provide 3 BMRs with the 34 2005-06 allocations, 2 BMRs with the 20, 2006-07 allocations, 2 BMRs with the 15, 2007-08 allocations, and 1 BMR with the 12 2008-09 allocations.

4. The following project commitments shall be completed as follows:

Phase 8: All street improvements in R-2 zoning to be completed with phase 8 construction. Full frontage improvements (street, curb, gutter, sidewalk, storm, underground utilities) in front of the Berryessa, Silveria & Morgante property and the entire project frontage (including nursery site) on Tilton Ave. shall be completed with Phase 8.

Phase 9: Full frontage improvements (street, curb, gutter, sidewalk, storm, underground utilities) in front of the Burnett Elementary school for a distance of approximately 598 ft. in length shall be completed with Phase 9 or sooner at a minimum cost of \$3,000/unit.

Phase 10: Installation of a volleyball court within the 5 acre park shall be completed with Phase 10

5. The size of the of R-1 12,000 lots along Tilton Ave. shall be reduced to include no more than 6ft. of the City's right of way on Tilton.
6. All single family homes within the R-1 12,000 portion of the project shall adhere to the R-1 12,000 site development standards. This requirement does not apply to BMRs, Moderate units and condominium units within the project.
7. All primary building setbacks shall be measured from the edge of the right of way.
8. Phasing shall be consistent with the "Recommended" plan dated April 26, 2005. A phasing plan showing a logical and orderly sequence of development shall be submitted to and approved by staff prior to final map approval.
9. Any amendment required by Site and Architectural Review Board shall be incorporated into the project plans.
10. A revised precise development plan incorporating the above requirements shall be provided to the Planning Division prior to final map approval of Phases 7-10.

CASE ANALYSIS

Zoning Amendment

A revised RPD plan has been provided which generally complies with the previous ordinance however a new developer Dividend Homes is involved with the project and wishes to introduce revised house plans for the R-2 development area. The revised plans require alteration of the previously approved lot sizes, unit sizes and location of the project BMRs, moderates, granny units and single story homes.

The proposed Phases 7-10 plan provides the following:

Phases	FY	# Allocations	# Lots	# Single Story	# Granny units	# Moderates	# BMRs
7	2005-06	34	34	5	4	8	2
8	2006-07	20	20	3	0	0	4
9	2007-08	15	15	1	1	0	2
10	2008-09	12	12	1	3	0	0
Total		81	81	10	8	8	8

Currently completed phases:

Phases	FY	# Allocations	# Lots	# Single Story	# Granny units	# Moderates	# BMRs
1-6	2001-05	129	114	18	8	4	13
			(+15 Condos)				
Required Project Totals		210	195	24	16	12	21

The proposed RPD plan exceeds the number of single-story units, and provides the correct number of BMR's, granny units and moderate rate units. However, the previous RPD approval contained a condition which required the project provide 3 BMRs with the 34 2005-06 allocations, 2 BMRs with the 20, 2006-07 allocations, 2 BMRs with the 15, 2007-08 allocations, and 1 BMR with the 12, 2008-09 allocations. The chart above illustrates the number of BMRs, moderates and single story units provided per phase. The current proposal front loads the 8 required moderate rate units into phase 7 (34 lots) but phase 7 and 10 do not include their proportional share of BMRs per Ordinance 1724. Phases 8 & 10 of the proposed plan contain twice as many BMRs as required by Ordinance 1724. Since the proposed plan moves up the completion of the moderate rate units and the BMR from phase 10, it is recommended that the BMR requirement within Ordinance 1724 be modified to reflect the current RPD proposal.

During the Commission's March 22, 2005 review of the currently approved RPD plan, the Commission concluded that the BMR units must be a minimum of 1450 sq. ft. which was the size commitment made in the applicant's RDCS application. The currently approved RPD plan includes BMR units of 1450 sq. ft. within the R-1 area and 1542 sq. ft. within the R-2 area.

In November 2005, Dividend Homes purchased phase 7 of the project and applied to the Architectural and Site Review Board to modify the previously approved architectural plans for phase 7 lots 1-24. As part of this approval, the single-story, 1450 sq. ft. BMR plans were switched to two-story 1574 sq. ft. units which have been completed on the northwest corner of Saffron Dr. and Coriander Ave. The loss of two single story units was to be addressed with the pending update of the RPD for the R-2 area which Dividend Homes also wanted to purchase. In May 2006 Dividend applied to the ARB for approval of 10 R-2 units along Dougherty Ave.

In the proposed plan Phases 8-9 include a total of 6 BMRs. Four of the 6 proposed BMRs within the R-2 area are single story, 1307 sq. ft. with tandem parking. The other 2 proposed BMRs are 1,873 sq. ft.

Staff is concerned about the reduction in the BMR size (1450 sq. ft. to 1307 sq. ft.) for the following reasons:

1. The RDCS application committed to 1450 sq. ft., four bedroom BMRs. The 143 sq. ft. reduction in size is a reduction in the quality of the project.
2. The proposed 1307 sq. ft. BMR is inconsistent with the unit size minimum established by the Commission during the 2005 review of the RPD plan.
3. The next closest unit size within the R-2 area is 2598 sq. ft. which creates a 1,148 sq. ft. size difference between the market rate R-2 units and BMR units. The 1307 sq. ft. BMR units are also single story which further exaggerates the size difference.
4. The 1307 sq. ft. units also propose tandem parking which does not meet the City minimum of 2 covered spaces (20'x 20') in size and further reduces the unit's street presence.

To address these concerns, it is recommended that the four 1307 sq. ft. BMRS be increased in size to a minimum of 1450 sq. ft. and meet the two covered parking space standard.

Development Agreement Application

The applicant has requested several amendments to the current development schedule contained within Exhibit A of the project development agreement (see attached letter). The majority of the changes requested are the performance dates for final map submittal, building permit submittal and obtaining building permits. The Planning Division will be proceeding in February/March with a process to amend the performance date in multiple development agreements and inserting those dates in a resolution format which will allow for future amendment without legislative action. The requested changes to the performance dates will be deferred at this time and included within the February/March development agreement amendment process.

The applicant is also requesting a 7 month and a 3 month exception to the loss of building allocation for FY 2006-07 and 2007-08 respectively. An exception to the loss of allocation may be granted by the City Council if the cause for the lack of commencement was the City's failure to grant a building permit for the project due to an emergency situation as defined in Section 18.78.140 or extended delays in environmental reviews, permit delays not the result of developer inactions, or allocation appeals processing. The reasons stated for the exception is Dividend's recent agreement to complete the last three phases of the project and significant decline in market conditions. Attached is a resolution which includes the ELBA request within Exhibit A.

RECOMMENDATION

It is recommended that the Commission recommend City Council approval of the modified development plan and development agreement ELBA as contained within the attached resolutions.

Attachments:

1. Ord. 1724
2. Letter of request from applicant
3. Resolution Recommending Council approval of the Zoning Amendment.
4. Resolution recommending Council approval of ELBA request

ORDINANCE NO. 1724, NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A PRECISE DEVELOPMENT PLAN FOR PHASES 7, 8, 9 & 10 (81 UNITS) OF THE CAPRIANO/MADRONE CROSSING DEVELOPMENT. THE RESIDENTIAL DEVELOPMENT PLAN COVERS A 68 ACRE SITE LOCATED ON THE WEST SIDE OF MONTEREY ROAD, SOUTH SIDE OF TILTON AVENUE, ON THE EAST SIDE OF HALE AVE. (APN's 764-09-005, 006, 007, 008, 009, 010 & 014) (APPLICATION ZAA-04-01: HALE-GLENROCK BUILDERS)

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The proposed zoning amendment is consistent with the Zoning Ordinance and the General Plan.

SECTION 2. The zone change is required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code.

SECTION 3. An environmental initial study has been prepared for this application and has been found complete, correct and in substantial compliance with the requirements of the California Environmental Quality Act. A Mitigated Negative Declaration has been filed.

SECTION 4. The City Council finds that the proposed precise development plan is consistent with the criteria specified in Section 18.12.060 and Chapter 18.18 of the Morgan Hill Municipal Code.

SECTION 5. The Planning Commission hereby recommends approval of a precise development plan for phases 7-10 as contained in that certain series of documents date stamped April 11, 2005, on file in the Community Development Department, entitled "Glenrock Vesting Tentative Map and Site Development plan" prepared by MH Engineering. These documents show the location and sizes of all lots in this development and the location and dimensions of all proposed buildings, vehicle and pedestrian circulation ways, recreational amenities, parking areas, landscape areas and any other purposeful uses on the project. These documents shall be consistent with the provisions of Ordinance 1679 and shall also include the following modifications and conditions of approval:

1. The Architectural Review Board shall review and approve of a "new plan 4" which is of similar size 4050-4560 sq. ft. and quality prior to the approval of any final map approvals associated with the project.

2. Each phase of the project shall equal the number of allocations granted per fiscal year. The only exception shall be Phase 8 which shall contain 20 residential lots for the 20 FY 2006-07 allocations and include the creation of lot 33 as a non residential lot.
3. The project shall provide 3 BMRs with the 34 2005-06 allocations, 2 BMRs with the 20, 2006-07 allocations, 2 BMRs with the 15, 2007-08 allocations, and 1 BMR with the 12 2008-09 allocations.
4. The following project commitments shall be completed as follows:
 - Phase 8: All street improvements in R-2 zoning to be completed with phase 8 construction. Full frontage improvements (street, curb, gutter, sidewalk, storm, underground utilities) in front of the Berryessa, Silveria & Morgante property and the entire project frontage (including nursery site) on Tilton Ave. shall be completed with Phase 8.
 - Phase 9: Full frontage improvements (street, curb, gutter, sidewalk, storm, underground utilities) in front of the Burnett Elementary school for a distance of approximately 598 ft. in length shall be completed with Phase 9 or sooner at a minimum cost of \$3,000/unit.
 - Phase 10: Installation of a volleyball court within the 5 acre park shall be completed with Phase 10
5. The size of the of R-1 12,000 lots along Tilton Ave. shall be reduced to include no more than 6ft. of the City's right of way on Tilton.
6. All single family homes within the R-1 12,000 portion of the project shall adhere to the R-1 12,000 site development standards. This requirement does not apply to BMRs, Moderate units and condominium units within the project.
7. All primary building setbacks shall be measured from the edge of the right of way.
8. Phasing shall be consistent with the "Recommended" plan dated April 26, 2005. A phasing plan showing a logical and orderly sequence of development shall be submitted to and approved by staff prior to final map approval.
9. Any amendment required by Site and Architectural Review Board shall be incorporated into the project plans.
10. A revised precise development plan incorporating the above requirements shall be provided to the Planning Division prior to final map approval of Phases 7-10.

SECTION 8. Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 9. Effective Date; Publication. This Ordinance shall take effect from and after thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at the regular meeting of the City Council of the City of Morgan Hill held on the 18th Day of May 2005, and was finally adopted at a regular meeting of said Council on the 1st Day of June 2005, and said ordinance was duly passed and adopted in accordance with law by the following vote:

AYES:	COUNCIL MEMBERS:	Larry Carr, Mark Grzan, Dennis Kennedy, Steve Tate
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	Greg Sellers

ATTEST:

APPROVED:

Irma Torrez, City Clerk

Dennis Kennedy, Mayor

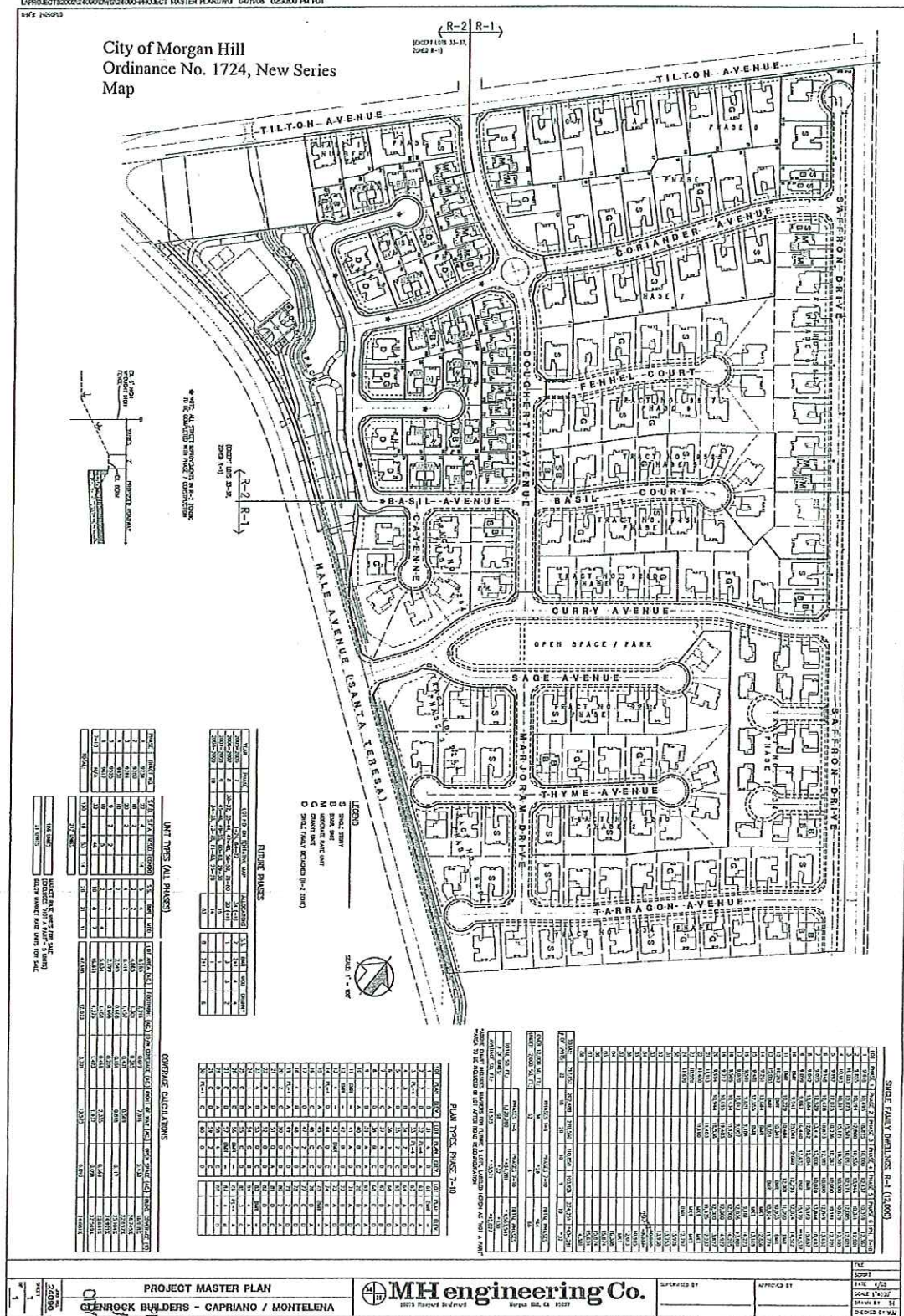
∞ CERTIFICATE OF THE CITY CLERK ∞

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1724, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the 1st Day of June 2005.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk



DIVIDEND HOMES, INC.
385 WOODVIEW AVE., SUITE 100
MORGAN HILL, CA 95037-2891
(408) 779-5900 FAX (408) 779-3840
"roliver@dividendhomes.com"

October 13, 2006

Mr. James Rowe
Planning Manager
City of Morgan Hill – Community Development
17555 Peak Ave.
Morgan Hill, CA 95037

Re: Amend Development Agreement - Villas at Capriano MP 02-03 (Tilton-Glenrock)

Dear Mr. Rowe:

At the request of Rocke Garcia of Glenrock Builders, I have been assisting with the modifications of the site plan and architectural plans in order to comply with the commitments made for the Project and the obligations set forth in the existing Development Agreement, dated July 1, 2005. Mr. Garcia has requested that I prepare this letter to specifically address the deadlines set forth in Exhibit "B" to the existing Development Agreement.

We hereby request a modification to the time periods, for Phases 8, 9 and 10, in Exhibit "B" to provide for the following:

II. Site Review Applications (for Phase 8, 9 and 10): December 1, 2006

III. Final Map Submittal

FY 2006-07 (Phase 8) (20 units)	04-30-07
FY 2007-08 (Phase 9) (15 units)	02-28-08
FY 2008-09 (Phase 10) (12 units)	02-28-09

IV. Building Permit Submittal

FY 2006-07 (Phase 8) (20 units)	05-31-07
FY 2007-08 (Phase 9) (15 units)	03-31-08
FY 2008-09 (Phase 10) (12 units)	02-28-09

V. Building Permits

FY 2006-07 (Phase 8) (20 units)	09-30-07
FY 2007-08 (Phase 9) (15 units)	05-31-08
FY 2008-09 (Phase 10) (12 units)	04-30-09

VI. Commence Construction

FY 2006-07 (Phase 8) (20 units)	1-31-08
FY 2007-08 (Phase 9) (15 units)	9-30-08

c. We also request a provision in the Development Agreement which would provide authorization to the Planning Director to extend the dates set forth on Exhibit B, for any of the years, by as much as six months upon presentation of facts to warrant such extension at the discretion of the Planning Director, with any appeal there from requiring an application for a amendment to the Development Agreement. Real Estate Market conditions, including lender unwillingness to fund additional starts due to market conditions, can be considered by the Planning Director in making her decision.

The reason for these requested extensions to the time periods is two fold: First, Dividend Homes, Inc. has just recently been given the opportunity to complete the last three phases of the Capriano Project. There were no existing plans developed for us to take over and present to the City, so we engaged the services of Dahlin Group, as architects to develop the plans and prepare the presentation package for the Architectural Review Board. Changes are required to the plot plans and improvement drawings to accommodate the new floor plans. This necessitated a new submission, which was completed in October and the first hearing before the Architectural Review Board was not scheduled until January of 2007. Working drawings and improvement drawings can not commence until after the Arch and Site Review approval. The amount of work for the architect and civil engineer to dictates to a significant degree the dates requested for Phase 8 in FY 2006-2007.

The Second reason for requesting the delays, which carries through to FY 2007-08 and 2008-09 is because of declining sales, market conditions, and lender reluctance to allow too many starts ahead of sales. The soft deadlines previously in effect create financial hardship by having to pay upfront submittal, permit and school fees sometimes many months prior to the need to actually commence construction. But most important we just cannot ignore market conditions. There are major uncertainties in the marketplace at the present time, and none of us can predict, with any degree of accuracy, what will be the extent and/or the duration of the downturn. We would like to avoid having to come multiple times, at significant time and cost to both us and to the City to process additional extensions for additional market driven delays. Thus, we would request reasonable consideration and flexibility for this possibility at this time.

Rocke and I will be pleased to respond to any questions you might have.

Very truly yours,

DIVIDEND HOMES, INC.



Richard B. Oliver, President

Cc: Glenrock Builders

RESOLUTION NO. 07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF AN AMENDMENT TO A RESIDENTIAL PLANNED DEVELOPMENT ON 67 ACRE SITE LOCATED ON THE EAST SIDE OF HALE AVE., SOUTH OF TILTON AVE ADJACENT TO THE WEST OF THE RAILROAD TRACKS. (APNS 764-9-06, 16, 17, 32 & 33)

WHEREAS, such request was considered by the Planning Commission at their regular meetings of January 9, 2007 and January 23, 2007 at which time the Planning Commission recommended approval of zoning amendment application ZAA-04-01A: Tilton-Glenrock; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1. The proposed zoning amendment is consistent with the Zoning Ordinance and the General Plan.

SECTION 2. The zone change is required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code.

SECTION 3. An environmental initial study has been prepared for this project and has been found complete, correct and in substantial compliance with the requirements of California Environmental Quality Act. A mitigated Negative Declaration was filed with the General Plan amendment application.

SECTION 4. The Planning Commission finds that the proposed RPD Overlay District is consistent with the criteria specified in Chapter 18.18 of the Morgan Hill Municipal Code.

SECTION 5. The Planning Commission hereby recommends approval of a precise development plan for phases 7-10 as contained in that certain series of documents date stamped Nov. 8, 2006, on file in the Community Development Department, entitled "Glenrock Builders-Capriano/Montelena" prepared by MH Engineering. These documents show the location and sizes of all lots in this development and the location and dimensions of all proposed buildings, vehicle and pedestrian circulation ways, recreational amenities, parking areas, landscape areas and any other purposeful uses on the project. These documents shall be consistent with the provisions of Ordinance 1679 and 1700 and shall also include the following modifications and conditions of approval:

1. The four 1307 sq. ft. BMRS shall be increased in size to a minimum of 1450 sq. ft. and meet the two covered parking space standard.

2. Each phase of the project shall equal the number of allocations granted per fiscal year. The only exception shall be Phase 8 which shall contain 20 residential lots for the 20 FY 2006-07 allocations and include the creation of lot 33 as a non residential lot.
3. The project shall provide 2 BMRs with the 34 2005-06 allocations, 4 BMRs with the 20, 2006-07 allocations, 2 BMRs with the 15, 2007-08 allocations, and 0 BMRs with the 14 2008-09 allocations.

4. The following project commitments shall be completed as follows:

Phase 8: All street improvements in R-2 zoning to be completed with phase 8 construction. Full frontage improvements (street, curb, gutter, sidewalk, storm, underground utilities) in front of the Berryessa, Silveria & Morgante property and the entire project frontage (including nursery site) on Tilton Ave. shall be completed with Phase 8.

Phase 9: Full frontage improvements (street, curb, gutter, sidewalk, storm, underground utilities) in front of the Burnett Elementary school for a distance of approximately 598 ft. in length shall be completed with Phase 9 or sooner at a minimum cost of \$3,000/unit.

Phase 10: Installation of a volleyball court within the 5 acre park shall be completed with Phase 10

5. The size of the of R-1 12,000 lots along Tilton Ave. shall be reduced to include no more than 6ft. of the City's right of way on Tilton.
6. All single family homes within the R-1 12,000 portion of the project shall adhere to the R-1 12,000 site development standards. This requirement does not apply to BMRs, Moderate units and condominium units within the project.
7. All primary building setbacks shall be measured from the edge of the right of way.
8. A phasing plan showing a logical and orderly sequence of development shall be submitted to and approved by staff prior to final map approval of any lots within Phase 8.
9. Any amendment required by Site and Architectural Review Board shall be incorporated into the project plans.
10. A revised precise development plan incorporating the above requirements shall be provided to the Planning Division prior to final map approval of Phases 7-10.

SECTION 6. Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of the Ordinance to other situations.

PASSED AND ADOPTED THIS 23rd DAY OF JANUARY 2007, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

FRANCES O. SMITH, Deputy City Clerk

ROBERT BENICH, Chair

RESOLUTION NO. 07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT AMENDMENT APPLICATION DAA-04-08A FOR APPLICATION MP-02-03: TILTON-GLENROCK TO ALLOW FOR A SEVEN MONTH AND A THREE MONTH EXCEPTION TO THE LOSS OF BUILDING ALLOCATIONS RECEIVED IN THE 2003 RDCA COMPETITION FOR FISCAL YEARS FY 2006-07 AND 2007-08 RESPECTIVELY

WHEREAS, the City Council of the City of Morgan Hill has adopted Resolution No. 4028, establishing a procedure for processing Development Agreements for projects receiving allotments through the Residential Development Control System, Title 18, Chapter 18.78 of the Morgan Hill Municipal Code; and

WHEREAS, Sections 65864 through 65869.5 of the California Government Code authorizes the City of Morgan Hill to enter into binding Development Agreements with persons having legal or equitable interests in real property for the development of such property; and

WHEREAS, the Planning Commission, pursuant to Chapter 18.78.380 of the Morgan Hill Municipal Code, awarded 34 building allocations for 2005-06, 20 building allocations for 2006-07, 15 allocations for 2007-08 and 12 allocations for 2008-09.

WHEREAS, On May 18, 2005 the City Council adopted Ordinance Number 1725 which set a development schedule for the 81 building allocations award to MP 02-03: Tilton-Glenrock; and

WHEREAS, the applicant is requesting to amend the approved development agreement to allow for 7 month and a 3 month exception to the loss of building allocation for FY 2006-07 and 2007-08 respectively; and

WHEREAS, the late acquisition of the project by a new and the current downturn in the housing market has delayed the project and will inhibit its future ability to meet the existing commencement of construction deadline.

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1. ADOPTION OF DEVELOPMENT AGREEMENT AMENDMENT. The Planning Commission hereby recommends to the City Council adoption of the Development Agreement Amendment for DAA-04-08a: Tilton-Glenrock.

SECTION 2. The Planning Commission recommends approval of the development agreement amendment as shown in the attached Exhibit A, to allow for a 7-month extension of the commencement of construction date for 20 building allocations granted for FY 2006-2007 and to allow for a 3-month extension of the commencement of construction date for 15 building allocations granted for FY 2007-2008 as contained in the development agreement approved for MP-02-03: Tilton-Glenrock.

PASSED AND ADOPTED THIS 23rd DAY OF JANUARY, 2007, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

FRANCES O. SMITH, Deputy City Clerk

ROBERT BENICH, Chair

EXHIBIT "B"
DEVELOPMENT SCHEDULE MP-02-03: Tilton-Glenrock

FY 2005-06 34 allocations/FY 2006-07 20 allocations/FY 2007-08 15 allocations/FY 2008-09 12 allocations

I. SUBDIVISION AND ZONING APPLICATIONS	
Applications Filed:	10-07-04
II. SITE REVIEW APPLICATION	
Application Filed:	06-30-05
III. FINAL MAP SUBMITTAL	
Map, Improvements Agreement and Bonds:	
FY 2005-06 (34 units)	07-30-05
FY 2006-07 (20 units)	07-30-06
FY 2007-08 (15 units)	07-30-07
FY 2008-09 (12 units)	07-30-08
IV. BUILDING PERMIT SUBMITTAL	
Submit plans to Building Division for plan check:	
FY 2005-06 (34 units)	08-15-05
FY 2006-07 (20 units)	08-15-06
FY 2007-08 (15 units)	08-15-07
FY 2008-09 (12 units)	08-15-08
V. BUILDING PERMITS	
Obtain Building Permits:	
FY 2005-06 (34 units)	09-30-05
FY 2006-07 (20 units)	09-30-06
FY 2007-08 (15 units)	09-30-07
FY 2008-09 (12 units)	09-30-08
Commence Construction:	
FY 2005-06 (34 units)	06-30-06
FY 2006-07 (20 units)	06-30-06 01-31-08
FY 2007-08 (15 units)	06-30-07 09-30-08
FY 2008-09 (12 units)	06-30-09

Failure to obtain building permits and commence construction by the dates listed above, shall result in the loss of building allocations. Submitting a Final Map Application or a Building Permit six (6) or more months beyond the filing dates listed above shall result in the applicant being charged a processing fee equal to double the building permit plan check fee and/or double the map checking fee to recoup the additional costs incurred in processing the applications within the required time limits. Additionally, failure to meet the Final Map Submittal and Building Permit Submittal deadlines listed above may result in loss of building allocations. In such event, the property owner must re-apply under the development allotment process outlined in Section 18.78.090 of the Municipal Code if development is still desired.

An exception to the loss of allocation may be granted by the City Council if the cause for the lack of commencement was the City's failure to grant a building permit for the project due to an emergency situation as defined in Section 18.78.140 or extended delays in environmental reviews, permit delays not the result of developer inactions, or allocation appeals processing.

If a portion of the project has been completed (physical commencement on at least 41 dwelling units and lot improvements have been installed according to the plans and specifications), the property owner may submit an application for reallocation of allotments. Distribution of new building allocations for partially completed project shall be subject to the policies and procedures in place at the time the reallocation is requested.